

MINUTES
REGULAR MEETING

City Council of the Town of Colma
City Hall, 1198 El Camino Real
Colma, CA 94014

March 10, 2004 - 7:30 p.m.

CALL TO ORDER – Mayor Maldonado called the Regular Meeting of the City Council for the Town of Colma to order at 7:30 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Council Present - Mayor Ronald Maldonado, Mayor Pro Tem Philip Lum and Councilmembers Helen Fisicaro, Joseph Silva and Frossanna Vallergera.

Staff Present – City Manager Herb Moniz, Assistant City Manager Diane McGrath, Acting Chief of Police Robert Lotti, Deputy City Attorney Malathy Subramanian, City Engineer Rick Mao, City Planner Malcolm Carpenter, Deputy City Planner Andrea Ouse, Recreation Services Manager Brian Dossey, and Recording Clerk Anita L. Thorsnes.

Deputy City Attorney Malathy Subramanian reported that the City Council met in closed session under Government Code Section 54956.9(a), conference with legal counsel – existing litigation and there was not reportable action.

PUBLIC COMMENTS

Open to public.

Mario Panoringan, Chamber of Commerce Chair, addressed the Council to extend his appreciation for the Town's support and extended an invitation to upcoming events.

Dennis Fisicaro, 490 D Street, addressed the Council regarding 'Rebuilding Together' community project to benefit Colma residents.

No other comments.

Public comments closed.

PRESENTATIONS AND PROCLAMATIONS

1. Proclamation Recognizing Thomasian Honorees for their Commitment to Educational Empowerment
2. Proclamation Designating April 11-17, 2004 as Public Safety Dispatcher Week
3. Proclamation Honoring Karen Silva for 25 Years of Service to the Town of Colma.

CONSENT CALENDAR *Items 14 and 15 were removed from the consent calendar for discussion.*

4. Motion to Accept Minutes of February 11, 2004 7:30 PM Regular City Council Meeting
5. Motion to Approve Warrants List for February 1-29, 2004
6. Motion to Adopt Resolution 2004-09 AUTHORIZING A CORRECTION TO THE AMENDMENT TO CONTRACT BETWEEN BOARD OF ADMINISTRATION CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE CITY COUNCIL TOWN OF COLMA.
7. Motion to Adopt Resolution 2004-10 OF INTENTION TO APPROVE AN AMENDMENT TO CONTRACT BETWEEN THE BOARD OF ADMINISTRATION CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE CITY COUNCIL OF TOWN OF COLMA.
8. Motion to Adopt Resolution 2004-11 APPROVING AGREEMENT BETWEEN THE INTERNATIONAL CITY MANAGEMENT ASSOCIATION RETIREMENT CORPORATION AND THE TOWN OF COLMA FOR OPTIONAL EMPLOYEE DEFERRED COMPENSATION PLAN.
9. Motion to Adopt Resolution 2004-12 APPROVING AN EMPLOYMENT AGREEMENT WITH HERB MONIZ, CITY MANAGER.
10. Motion to Adopt Ordinance 611 RE-NUMBERING CHAPTERS 4.5 AND 5.5 OF THE COLMA MUNICIPAL CODE RELATING TO RECYCLING AND DIVERSION OF CONSTRUCTION AND DEMOLITION DEBRIS AND TO LICENSING AND REGULATION OF MASSAGE ESTABLISHMENTS AND TECHNICIANS. [*Second Reading*]
11. Motion to Adopt Resolution 2004-13 ACCEPTING DEED OF EASEMENT FOR RIGHT-OF-WAY AND PUBLIC UTILITIES. (APN 010-421-010; 650 Collins Avenue).
12. Motion to Adopt Resolution 2004-14 APPROVING AGREEMENT BETWEEN CITY OF SOUTH SAN FRANCISCO AND TOWN OF COLMA FOR POLICE DISPATCH SERVICES 2004-2007.
13. Motion to Adopt Resolution 2004-15 AUTHORIZING INVESTMENT OF MONIES IN THE LOCAL AGENCY INVESTMENT FUND (LAIF) DESIGNATING TOWN SIGNATORIES.

Action: On motion of Frossanna Vallergera to approve, seconded by Helen Fiscaro, and carried, the Council approved the Consent Calendar by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Ronald J. Maldonado	✓				
Philip J. Lum, Jr.	✓				
Helen Fiscaro	✓				
Joseph Silva	✓				
Frossanna Vallergera	✓				
Voting Tally	5	0			

Items 14 and 15 were moved to Public Hearings and combined for discussion purposes.

PUBLIC HEARINGS

14. Motion to Adopt Resolution 2004-16 APPROVING PURCHASE AND SALE AGREEMENT WITH TAYLOR WOODROW HOMES, INC. (Verano, 1401 Mission Road).

Report Deputy City Attorney Malathy Subramanian gave the report and answered Council's questions.

Open to public comments.

No comments.

Closed to public.

Action: On motion of Frossanna Vallergera to approve, seconded by Helen Fiscaro, and carried, the Council approved Resolution 2004-16 by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Ronald J. Maldonado	✓				
Philip J. Lum, Jr.	✓				
Helen Fiscaro	✓				
Joseph Silva	✓				
Frossanna Vallergera	✓				
Voting Tally	5	0			

15. Motion to Adopt Resolution 2004-17 APPROVING MODEL HOME LEASE AGREEMENT WITH TAYLOR WOODROW HOMES, INC. (Verano, 1401 Mission Road).

Action: On motion of Frossanna Vallerga to approve, seconded by Helen Fisicaro, and carried, the Council approved Resolution 2004-17 by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Ronald J. Maldonado	✓				
Philip J. Lum, Jr.	✓				
Helen Fisicaro	✓				
Joseph Silva	✓				
Frossanna Vallerga	✓				
Voting Tally	5	0			

16. Motion to Introduce Ordinance Authorizing An Amendment To Contract 1.503. Between The Town of Colma and The Board of Administration of CALPERS.

Report: Assistant City Manager Diane McGrath gave the report and recommended that the Council introduce an ordinance amending the contract with CALPERS.

Open to public comments.
No comments.
Closed to public.

Action: On motion to Introduce by Frossanna Vallerga, Seconded by Helen Fisicaro, and carried, the Council Introduced Ordinance 614 AUTHORIZING AN AMENDMENT TO CONTRACT 1.503. BETWEEN THE TOWN OF COLMA AND THE BOARD OF ADMINISTRATION OF CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Ronald J. Maldonado	✓				
Philip J. Lum, Jr.	✓				
Helen Fisicaro	✓				
Joseph Silva	✓				
Frossanna Vallerga	✓				
Voting Tally	5	0			

The title was read by Frossanna Vallerga.

Action: On motion to approve by Frossanna Vallerga, Seconded by Helen Fisicaro, and carried, the Council approved reading Ordinance by title only by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Ronald J. Maldonado	✓				
Philip J. Lum, Jr.	✓				
Helen Fisicaro	✓				
Joseph Silva	✓				
Frossanna Vallerga	✓				
Voting Tally	5	0			

17. Motion to Adopt Resolution to Adopt Mitigated Negative Declaration and DeMinimis Findings for Junipero Serra Boulevard Construction Project No. 907

Report: City Planner Mac Carpenter gave the report and recommended that the Council adopt a resolution.

Open to public comments.

Dave Hatfield, 475 D Street, expressed concerns for replacement of the roadside trees.

Closed to public.

Action: On motion of Philip Lum to approve, seconded by Joseph Silva, and carried, the Council adopted Resolution 2004-18 RESOLUTION APPROVING MITIGATED NEGATIVE DECLARATION AND DE MINIMUS FINDING FOR THE JUNIPERO SERRA BOULEVARD BEAUTIFICATION CIP PROJECT 907 – PHASE I by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Ronald J. Maldonado	✓				
Philip J. Lum, Jr.	✓				
Helen Fisicaro	✓				
Joseph Silva	✓				
Frossanna Vallerga	✓				
Voting Tally	5	0			

18. Motion to Adopt Mitigated Negative Declaration and De Minimus Findings for Hillside Boulevard Construction Phase 1 Project No. 901

Report: City Planner Mac Carpenter gave the report and recommended that the Council adopt a resolution adopting mitigated negative declaration and De Minimis finding for Hillside Boulevard Beautification – Phase I.

Open to public comments.

Dave Hatfield, 475 D Street, inquired about underground activity.

Closed to public.

Action: On motion of Philip Lum to approve, seconded by Helen Fisicaro, and carried, the Council adopted Resolution 2004-19 RESOLUTION APPROVING MITIGATED NEGATIVE DECLARATION AND DE MINIMUS FINDING FOR THE HILLSIDE BEAUTIFICATION CIP PROJECT 901 - PHASE I by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Ronald J. Maldonado	✓				
Philip J. Lum, Jr.	✓				
Helen Fisicaro	✓				
Joseph Silva	✓				
Frossanna Vallergera	✓				
Voting Tally	5	0			

19. Motion to Adopt Resolution to Approving a Use Permit Amendment to Expand an Auto Repair Business into 480 Collins, Unit H (APN 010-421-160)

Report: Deputy City Planner Andrea Ouse gave the report and recommended that the Council make the findings set forth therein and approve an amendment of Use Permit (Resolution 88-80) to expand an existing auto repair facility into a vacant tenant space, subject to the conditions listed in the report.

Open to public comments.

No comments.

Closed to public

Action: On motion of Helen Fisicaro to approve, seconded by Joseph Silva, and carried, the Council adopted Resolution 2004-20 RESOLUTION APPROVING A USE PERMIT AMENDMENT TO EXPAND AN AUTO REPAIR BUSINESS INTO 480 COLLINS, UNIT H (APN 010-421-160) by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Ronald J. Maldonado	✓				
Philip J. Lum, Jr.	✓				
Helen Fisicaro	✓				
Joseph Silva	✓				
Frossanna Vallergera	✓				
Voting Tally	5	0			

20. Motion to Introduce Ordinance Regulating Livestock Animals.

Report: City Planner Mac Carpenter gave the report and recommended that the Council introduce an ordinance regulating livestock animals.

Open to public comments.

No comments.

Closed to public

Action: On motion to Introduce by Helen Fisicaro, seconded by Frossanna Vallergera, and carried, the Council Introduced Ordinance 615 ORDINANCE REGULATING LIVESTOCK ANIMALS (Colma Municipal Code Chapter 4 Subchapter 8) by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Ronald J. Maldonado	✓				
Philip J. Lum, Jr.	✓				
Helen Fisicaro	✓				
Joseph Silva	✓				
Frossanna Vallergera	✓				
Voting Tally	5	0			

The title was by Helen Fisicaro.

Action: On motion to approve by Helen Fisicaro, Seconded by Frossanna Vallerga, and carried, the Council approved reading Ordinance by title only by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Ronald J. Maldonado	✓				
Philip J. Lum, Jr.	✓				
Helen Fisicaro	✓				
Joseph Silva	✓				
Frossanna Vallerga	✓				
Voting Tally	5	0			

21. a) Motion to Adopt Urgency Ordinance 612 ALLOWING THIRD PARTY PROPOSITION PLAYERS, CHANGING RULES FOR DEPOSIT ACCOUNTS, AND RE-NUMBERING THE CARDROOM ORDINANCE; and

b) Motion to Introduce Ordinance 613 ALLOWING THIRD PARTY PROPOSITION PLAYERS, CHANGING RULES FOR DEPOSIT ACCOUNTS, AND RE-NUMBERING THE CARDROOM ORDINANCE

Report: Acting City Attorney Malathy Subramanian gave the report and recommended that the Council adopt an urgency ordinance to allow third party proposition players, changing rules for deposit accounts, and re-numbering the cardroom ordinance.

Open to public comments.

Michael Franchetti, Lucky Chances Counsel, addressed the issue.

Closed to public

Action: a) On motion to approve by Helen Fisicaro, seconded by Frossanna Vallerga, and carried, the Council adopted revised Urgency Ordinance 612 AN URGENCY ORDINANCE ALLOWING THIRD PARTY PROPOSITION PLAYERS, CHANGING RULES FOR DEPOSIT ACCOUNTS, AND RE-NUMBERING THE CARDROOM ORDINANCE by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Ronald J. Maldonado	✓				
Philip J. Lum, Jr.	✓				
Helen Fisicaro	✓				
Joseph Silva	✓				
Frossanna Vallerga	✓				
Voting Tally	5	0			

Action: On motion to Introduce by Helen Fisicaro, Seconded by Frossanna Vallerga, and carried, the Council Introduced amended Ordinance 613 AN

ORDINANCE ALLOWING THIRD PARTY PROPOSITION PLAYERS,
CHANGING RULES FOR DEPOSIT ACCOUNTS, AND RE-NUMBERING THE
CARDROOM ORDINANCE. by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Ronald J. Maldonado	✓				
Philip J. Lum, Jr.	✓				
Helen Fisicaro	✓				
Joseph Silva	✓				
Frossanna Vallerga	✓				
Voting Tally	5	0			

The title was by Helen Fisicaro.

Action: On motion to approve by Helen Fisicaro, Seconded by Frossanna Vallerga, and carried, the Council approved reading Ordinance by title only by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Ronald J. Maldonado	✓				
Philip J. Lum, Jr.	✓				
Helen Fisicaro	✓				
Joseph Silva	✓				
Frossanna Vallerga	✓				
Voting Tally	5	0			

NEW BUSINESS

22. Motion to Approve Contribution to Skyline College President's Annual Innovation Fund

Report: Assistant City Manager Diane McGrath gave the report and recommended that the Council provide direction to staff regarding the request for a \$1,000 donation to Skyline College President's Annual Innovation Fund and Breakfast.

Open to public comments.

No comments.

Closed to public

Action: On motion to approve by Frossanna Vallerga, seconded by Philip Lum, and carried, the Council approved a \$500.00 contribution be made to Skyline College President's Annual Innovation Fund by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Ronald J. Maldonado	✓				
Philip J. Lum, Jr.	✓				
Helen Fisicaro	✓				
Joseph Silva	✓				
Frossanna Vallerga	✓				
Voting Tally	5	0			

23. Motion to Adopt Resolution Approving Construction Contract with Chiang C.M. Construction, Inc. for New Police Facility, Project 943

Councilmember Helen Fisicaro excused herself from the dais and left the room due to a possible conflict of interest because her spouse is listed as a subcontractor on the contract for landscape work.

Report: City Engineer Rick Mao gave the report and recommended the Council award the contract to Chiang C.M. Construction, Inc., in the amount, not-to-exceed \$5,095,132 for the New Police Station – Project 943.

Open to public comments.

Bob Snodgrass, Midnight Plumbing, spoke in opposition of the bid process, citing incomplete plans as the reason.

Rick Mao, City Engineer, informed the Council that Chiang C.M. Construction Inc.'s bid is responsible.

Malathy Subramanian, Deputy City Attorney, informed the Council of the possible conflicts of interest and also indicated that the bid protest did not relate to responsiveness of the low bidder but the accuracy of the specifications.

Edward Gee, Project Architect, responded that the same information was made available to everyone requesting plans, and all plans were complete.

Franco Carson, Colma resident, encouraged the Council to direct staff to closely monitor the practices of Chiang C.M. Construction. Inc. to make sure that they are responsible.

Council directed staff accordingly.
Closed to public

Council called for a 10-minute break before voting, in order to review a staff report and a letter of protest from Mr. Snodgrass.

Action: On motion to approve by Philip Lum, seconded by Joseph Silva, and carried, the Council approved Resolution 2004-21 RESOLUTION APPROVING CONSTRUCTION CONTRACT WITH CHIANG C.M. CONSTRUCTION, INC. by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Ronald J. Maldonado	✓				
Philip J. Lum, Jr.	✓				
Helen Fisicaro				✓	
Joseph Silva	✓				
Frossanna Vallerga	✓				
Voting Tally	4	0		1	

COUNCIL CALENDARING

7:30 Wednesday April 14th Regular Council Meeting.

5:30 Thursday May 27th Volunteer Appreciation Awards Dinner.

Council Workshop (date in May to be determined).

REPORTS:

Colma Historical Association President, Pat Hatfield gave a Treasurer's report and an update of current events.

ADJOURNMENT

The Regular City Council Meeting was Adjourned at 9:42 p.m. in memory of Maxine Gonsalvez, a former Pacifica Councilmember.

Respectfully Submitted,

Anita Landis Thorsnes

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Deputy City Clerk

Approved by City Council April 14, 2004